

**No. 16-10109**

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

ANTONIO GILTON, *et al.*,

Defendants-Appellees.

---

**UNITED STATES' UNOPPOSED MOTION FOR AN EXTENSION OF  
TIME IN WHICH TO FILE ITS REPLY BRIEF**

Plaintiff-Appellant United States of America hereby moves this Court for a 30-day extension of time in which to file its reply brief in the above-entitled appeal. The government's reply brief is currently due November 10, 2016. This motion would extend the time for filing the government's brief to December 12, 2016. This motion is made pursuant to Federal Rule of Appellate Procedure 27 and Ninth Circuit Rule 31-2.2(b), and is based on the accompanying declaration of Assistant United States Attorney Anne M. Voigts in support of the United States' motion for an extension of time.

Appellee Antonio Gilton, through counsel Mark Goldrosen, does not oppose the requested extension.

DATED: November 3, 2016

Respectfully submitted,

BRIAN J. STRETCH  
United States Attorney

J. DOUGLAS WILSON  
Chief, Appellate Division

/s/ Anne Voigts  
ANNE M. VOIGTS  
Assistant United States Attorney

450 Golden Gate Ave., 11<sup>th</sup> Floor  
San Francisco, CA 94102  
Phone: (408) 535-5061

Attorneys for Plaintiff-Appellant  
UNITED STATES OF AMERICA

No. 16-10109

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

ANTONIO GILTON, *et al.*,

Defendants-Appellees.

---

**DECLARATION OF ANNE M. VOIGTS IN SUPPORT OF THE UNITED STATES' UNOPPOSED MOTION FOR AN EXTENSION OF TIME IN WHICH TO FILE ITS REPLY BRIEF**

Pursuant to 28 U.S.C. § 1746, I, Anne M. Voigts, hereby declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Northern District of California. I am responsible for preparing the government's reply brief. I did not serve as trial counsel in this case.

2. This case involves a government appeal from the district court's order granting defendant Antonio Gilton's motion to suppress the fruits of a state court search warrant for cellphone records. The government's reply brief is currently due November 10, 2016. The government's appeal from the district court's order granting another motion to suppress filed by Gilton in the same case is still pending before this court in Case No. 15-10475.

3. I was informed this week that a party will seek to file an amicus brief. In order to adequately respond to both defendant's answering brief and the amicus brief, I require additional time to research and draft the reply. I also am responsible drafting for the government's brief in *United States v. Federico*, CA No. 15-10605, due November 10, 2016, and for the government's opposition to the petition for rehearing in *United States v Harmon*, CA No. 15-10034, due November 14, 2016.

4. For the foregoing reasons, I cannot adequately finish the government's reply brief in compliance with the current schedule. This is the government's first requested extension, and is not undertaken for purposes of delay.

5. On October 31, 2016, I spoke with Mark Goldrosen, counsel for appellee Antonio Gilton. He does not oppose the requested extension.

6. To the best of my knowledge, the court reporter is not in default with regard to any designated transcripts.

7. Gilton is currently being detained pending trial.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2016.

/s/ Anne Voigts  
ANNE M. VOIGTS  
Assistant United States Attorney

9th Circuit Case Number(s) 16-10109

**NOTE:** To secure your input, you should print the filled-in form to PDF (File > Print > *PDF Printer/Creator*).

\*\*\*\*\*

### CERTIFICATE OF SERVICE

#### When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date)

11/3/2016

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format)

/s/ Hui Chen, Paralegal

\*\*\*\*\*

### CERTIFICATE OF SERVICE

#### When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date)

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)